

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**UNITED STATES OF AMERICA,**

Plaintiff,

vs.

**JOSE LUIS CANO, also known as  
JOEL CANO,**

Cause No. 2-25-mj-00868-gjf

Defendants.

**DEFENDANT'S UNOPPOSED MOTION TO CONTINUE GRAND JURY  
PRESENTMENT DEADLINE**

**COMES NOW**, Defendant Jose Luis Cano, aka Joel Cano, by and through his attorney, **GARY C. MITCHELL, P.C.**, and moves for an extension of sixty (60) days' time to have this matter presented to the Grand Jury as required by 18 U.S.C. § 3161 (b) after the current dateline expires.

In support thereof Defendant states as follows:

1. Defendant's counsel has conferred with Maria Armijo, AUSA, and she does not oppose this motion.
2. On April 25, 2025, Mr. Cano was charged in federal court by way of Criminal Complaint with a violation of 18 U.S.C. 1512 (c) (1) (Doc. 2).
3. Undersigned counsel requires more pre indictment time than currently available for investigation and negotiation to effectively represent Mr. Cano.
4. The ends of justice served by allowing this request to toll the speedy indictment computation time required by 18 U.S.C. § 3161 (b) outweigh the interest of the public and the Defendant in a speedy indictment.

5. The public's interest in a speedy indictment is outweighed by (1) the public's interest in a reasonably expeditious resolution of the case; (2) the public's interest in relieving the burden that would be placed on judicial, prosecutorial, defense and law enforcement resources if the case proceeded to a speedy indictment; and (3) the potential benefits conferred upon the Defendant by the requested delay in the indictment deadline.

6. Pursuant to the four facts outlined in *United States v. Toombs*, 574 F. 3d 1262 (10<sup>th</sup> Cir. 2009) – (1) the length of the delay is reasonable under the circumstances because it will likely save valuable judicial, prosecutorial, defense and law enforcement resources; (2) the reason for the delay is to give the Defendant an opportunity to obtain a more favorable resolution of his case by allowing him time to examine the Government's case against him and, if necessary, obtain the benefits of pleading to an Information rather than to an Indictment; (3) the Defendant does not assert his right to a speedy indictment; and (4) there will be no prejudice to the Defendant – on the contrary, the parties contemplate a benefit to Mr. Cano by the requested delay.

**WHEREFORE**, Defendant, Jose Luis Cano, aka Joel Cano, prays this Honorable Court grant him a continuance of another sixty (60) days beyond the current deadline until this case must be presented to the Grand Jury.

DATED this 24<sup>th</sup> day of July, 2025.

/s/ Gary C. Mitchell  
GARY C. MITCHELL, P.C.  
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ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by the Court's EM/ECF system to counsel of record, this 24<sup>th</sup> day of July 2025.

/s/ Gary C. Mitchell  
Gary C. Mitchell, P.C.